

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

"DOCUMENT ELECTRONICALLY FILED"

In re: HYPODERMIC PRODUCTS
ANTITRUST LITIGATION

LOUISIANA WHOLESALE DRUG
COMPANY, INC., ROCHESTER DRUG
CO-OPERATIVE, INC., J M SMITH d/b/a
SMITH DRUG COMPANY, DIK DRUG
COMPANY, AMERICAN SALES
COMPANY, INC., PARK SURGICAL CO.
INC. and SAJ DISTRIBUTORS, INC.,

Plaintiffs,

v.

BECTON DICKINSON & COMPANY

Defendant.

Master Docket No. 05-1602 (JLL/CCC)

MDL No. 1730

CLASS ACTION

Motion Date: November 26, 2007

ORDER

Upon the application of Direct Purchaser Class Plaintiffs' Louisiana Wholesale Drug Co., Inc., Rochester Drug Co-Operative, Inc., JM Smith Corporation d/b/a Smith Drug Company, Dik Drug Company, and Park Surgical Co., Inc. (collectively the "Directs") for the entry of an Order, pursuant to Local Civil Rule 5.3(c), providing for filing under seal of certain materials submitted in support of the Directs' Appeal of Paragraphs 1, 2 and 3 of Case Management Order No. 22, and the Court having read and considered the papers submitted in support of this Motion; and good cause having been shown;

IT IS on this 26 day of, November 2007

ORDERED as follows:

1. Through discovery in this case, the parties have produced confidential information, the public disclosure of which could affect legitimate business interests. To protect the confidentiality of this information, the parties entered into a Discovery Confidentiality Order (the "Confidentiality Order") which the Court entered on August 10, 2005 (Doc. #16).

2. The Confidentiality Order allows the parties to designate information as "Confidential" (Order I-A), and provides that a party wishing to use material designated "Confidential" in a submission filed with the Court must file the submission under seal (*id.* ¶ III-C).

3. The Directs have filed under seal, in accordance with the provisions of Local Rule 5.3, the following documents related to their Appeal of Paragraphs 1, 2 and 3 of Case Management Order No. 22:

- Exhibit "I" annexed to the Declaration of Peter S. Pearlman, Esq., submitted in support of the Appeal of CMO #22: Memorandum of Law in Support of Direct Purchaser Class Plaintiffs' Motion for Partial Summary Judgment on the Issue of Clayton Act Standing, dated April 25, 2007.
- Exhibit "J" annexed to the Declaration of Peter S. Pearlman, Esq., submitted in support of the Appeal of CMO #22: L. Civ. R. 56.1 Statement in Support of Direct Purchaser Class Plaintiffs' Motion for Partial Summary Judgment on the Issue of Clayton Act Standing.

4. The Confidential materials contain and discuss information that has been designated "Confidential" in accordance with the Confidentiality Order.

5. The information in the Confidential materials satisfies the standards set forth in L. Civ. R. 5.3. The public release of these materials, which include confidential and proprietary information would greatly harm the parties' interests. There is no less restrictive alternative to the filing of these materials under seal.

THEREFORE, it is on this 26th day of November, 2007;

ORDERED that Direct Purchaser Class Plaintiffs' Notice of Motion to Seal Materials Submitted in Support of Their Appeal of Paragraphs 1, 2 and 3 of Case Management Order No. Pursuant to Local Civil Rule 5.3 is hereby granted; and

IT IS FURTHER ORDERED that the Clerk is hereby directed to seal the Confidential materials.

IT IS SO ORDERED.

s/Claire C. Cecchi

~~The Honorable Jose L. Linares, U.S.D.J.~~

Claire C. Cecchi, U.S.M.J.